United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, FRIDAY, FEBRUARY 23, 1996 No. 22

Senate

The Senate met at 11 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, bless America, beginning with these Senators on whom You have placed so much responsibility and from whom You expect so much. You have brought them to the Senate at this time, not only for what You want to do through them in leading this Nation, but also for what You intend to exemplify to the Nation in the way they work and live together.

You have revealed in Scripture, through the generations, and in our own experience, that You pour out Your power when there is unity, mutual esteem, and affirmation of the oneness of our patriotism. Bless us with Your spirit so that we may disagree without being disagreeable, share our convictions without being contentious, and lift up truth without putting each other down. Help us to seek to convince without coercion, persuade without power moves, motivate without manipulation. May we trust You unreservedly and encourage each other unselfishly. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT, is recognized.

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. Today there will be a period of morning business until the hour of 1 p.m., with the time equally divided on both sides of the aisle. Following the use or yielding back of the time in morning business, the Senate will turn to the consideration of the conference report to accompany the District of Columbia appropriations bill. It is expected that a cloture motion will be filed on that conference report today. No rollcall votes will occur during today's session, however. The Senate may consider any legislative items that can be cleared for action.

As a reminder to all Senators, the next rollcall vote will be at 2:15 p.m. on Tuesday, February 27. That vote will be on the motion to invoke cloture on the D.C. appropriations conference report.

I understand, Mr. President, that there are some Senators who intend to arrive shortly to speak in morning business, but until they arrive, I note the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. NUNN. Mr. President, I ask unanimous consent that Maurice Huthinson, a legislative fellow on my staff, be permitted the privilege of the floor during my remarks on the floor this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

If the Senator from Georgia would suspend so that the Chair might perform some household duties that have not been performed.

Mr. NUNN. The Senator from Georgia will accommodate any request from the Chair.

RESERVATION OF LEADERSHIP TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be the period for the transaction of morning business until 1 p.m., with Senators permitted to speak therein, the time being equally divided between the two sides.

The Senator from Georgia is recognized.

Mr. NUNN. I thank the Chair.

THE RELATIONSHIP BETWEEN THE UNITED STATES AND CHINA

Mr. NUNN. Mr. President, I rise today to talk about the relationship between the United States and China.

Last summer the Aspen Strategy Group—cochaired by Ken Dam and myself—under Director Michael Armacost and Associate Director Bruce Berkowitz met in Aspen, CO, for 4 days. We had an intensive and productive discussion with a number of China experts participating, including Michel Okensberg, Chas. Freeman, and Stapleton Roy. The views of all three of these American China experts and my subsequent discussions with Michel Oksenberg, Charles Freeman, and others have been very helpful in my own analysis of United States-China relations.

I also made a recent trip to Asia that included a stimulating and informative forum in Malaysia sponsored by the Asia Policy Group under the leadership of Doug Paal and hosted by the Deputy Prime Minister of Malaysia, Anwar Ibrahim. during this conference—attended by Senator KIT BOND, Senator BILL COHEN, and myself from the Congress—we had broad and stimulating

discussions with government and business leaders from the ASEAN countries and the entire Pacific region. Some of those discussions included China, but the agenda was much broader than just China.

I have greatly benefited from these meetings and discussions with Deputy Prime Minister Anwar Ibrahim and the other leaders from throughout the region and with Doug Paal, who led our group. During my trip to Asia, I joined Senator DIANNE FEINSTEIN and Senator JOHN GLENN in China for a series of meetings with top Chinese leadership.

Mr. President, the growing importance of China in world affairs demands a purposeful, coherent, and consistent American policy toward China. History is littered with the uninformed and ineffective responses of an established power toward a rising power. often the rising power suffered from its own ambitions seeking to accelerate its rise through military means. In modern history, we need only recall the pre-World War II rise of Germany and Japan and the former Soviet Union and the opportunities and mistakes our country and the free world made in coping with their rise.

History should teach us that established powers must provide consistent and credible signals about their expectations and set forth reasonable terms on which they are willing to incorporate the rising power into the international system.

We are now watching the rise of China—a development of at least equal historical significance and implication as the rise of Russia, Germany, and Japan. This is occurring with the important background of the rapid industrialization of Asia. Within 25 to 50 years, Mr. President, the lives of 3.5 billion people who live in the arc from Korea to India to Pakistan are being transformed. This development is as significant for humanity and for the citizens of our country as the Renaissance or the Industrial Revolution which transformed our people into the most productive, wealthy, and free people on Earth. At the center of Asia's rise is China, a nuclear power with the largest military forces in terms of manpower, in the world, and a permanent member of the U.N. Security Council. China is a nation with 1.2 billion people, an economy growing at nearly 10 percent a year for over the last decade, and as we too often forget—a distinctive civilization of great antiquity.

China is in the midst of four major transitions:

First, from a planned economy to a state-guided market economy.

Second, from rule by the Long March revolutionaries who established the Communist regime to a rule by bureaucrats, technocrats, and military professionals.

Third, from a rural agricultural society to an urban, industrial society.

Fourth, from a largely self-sufficient, largely isolated economy to one that is moving into the international economy and is increasingly dependent upon it.

Each of these alone is an enormous transformation. These transitions are occurring at varying speeds and with a scope unprecedented in history.

The process and outcome of China's transformations are unknown. Much about the Chinese future is unknown. What will the nature of the political system be a decade or a generation hence? Will the succession to Deng Xiaoping continue to be an orderly one? Will there be widespread social disorder? What about China's military? What will be its force structure a decade hence? How is its military doctrine likely to evolve as it acquires new weaponry? What are and will be China's foreign policy proclivities? Will the Communist Party remain in power? What are the chances for democratization in China? Can the Central Government remain in control or will China fragment or break apart, as we saw with the former Soviet Union? What would happen to its nuclear arsenal under such a situation? There is no consensus on the answers to these questions among the experts, either in or outside the Government.

The uncertainty about the Chinese future has several important implications. In light of China's growing importance, it is imperative that our country make a maximum effort to understand it. This entails ensuring that our Government has sufficient means to collect and analyze information about China, including extensive contact with Chinese leaders and bureaucrats at the national and provincial levels, and certainly people-to-people programs with the Chinese people themselves. President, our Nation must prepare itself intellectually for China's more extensive involvement in world affairs. This is absolutely essential.

It is difficult to conceive of the international community effectively addressing a number of pressing issues such as the proliferation of weapons of mass destruction and their means of delivery, international terrorism, and narcotrafficking, environmental challenges, and the regulation of trade, without China's participation.

Because of the profound Chinese transition, American engagement is essential. We are not likely to significantly affect events over the short run, but—by engaging in dialog about our mutual interests and our grievances, by speaking in clear terms in this dialog; by participating in China's development; by greater military transparency between our countries; by helping to educate China's next generation of intellectuals, which we are doing by assisting it in alleviating some of its economic and institutional problems—its evolution is more likely to be in directions favorable to peace and stability in the Pacific as well as to American interests.

China's transition is likely to be protracted. The experts do agree on one point: Uncertainty is a permanent quality of modern China. Even were China to embark a process that we would call democratization, the development would be a lengthy one. History shows it takes a long time to create a legal system, guarantees for private property, a parliamentary system, a vigorous and free press, and the political culture that can sustain a pluralistic and tolerant civil society. As the American and British experience demonstrates and as we can now see in the former Soviet Union, that process takes decades. Not only must our expectations be realistic, but we cannot wait to engage extensively with China until it has become more like us or until it has settled down and its future is more certain.

Realistically, we must engage with China and its current leaders now rather than remaining aloof from this vast, complex, ancient, and proud civilization until it becomes to our liking. In short, China's transition and its potential impels America, insofar as possible, to be actors on the scene.

Mr. President, as I mentioned earlier, I visited China last month with Senators DIANNE FEINSTEIN and JOHN GLENN. We had an opportunity to meet with President Jiang Zemin, Executive Vice Premier Zhu Rongji, Minister of National Defense General Chi Haotian, Vice Foreign Minister Li Zhaoxing, and others within China's leadership. We had cordial, informative and frank discussions on a number of issues relating to the relationship between our two countries and stability in the entire region. Our discussions were greatly facilitated by Senator FEINSTEIN's longstanding friendship with President Jiang Zemin, a friendship that grew out of their being mayors of sister cities—San Francisco and Shanghai at the same time. They had many visits during that period.

In recent weeks, China has stepped up its military exercises in areas close to Taiwan. It has mobilized a large number of forces on the mainland across from Taiwan. There have been credible reports that China has provided nuclear technology to Pakistan in contravention of the Nuclear Nonproliferation Treaty and its solemn treaty obligations to over 150 state parties to the treaty. If those reports are verified, sanctions would be triggered automatically under U.S. law, unless they are waived by the President.

In recent months, China's behavior has raised concerns in Asia and in the United States. The concerns which have been expressed not only in this country, but also in Asia include:

China's military expenditures continue to rise along with its economy. It continues to test nuclear weapons despite the protests of its neighbors. It has made territorial claims far into the South China Sea. It has adopted an unyielding posture toward Hong Kong and has repeatedly threatened Taiwan. Its record on missile sales to Pakistan is troubling and in probable violation

of its assurances to both the Bush and Clinton administrations that it would respect the missile technology control regime [MTCR] even though it is not a member. Its human rights record, including the sentencing of Wei Jingsheng, raises basic human rights concerns, affronting American sense of fairplay as well. And its inability to crack down on violations of trade agreements, including intellectual property violations, raise serious trade concerns. It is certainly possible that these developments which are troubling, are also harbingers of difficult relations between our Nation and China in the months to come.

But there are also developments on the other side of the ledger that are too often ignored. China has not obstructed U.N. and NATO peacekeeping operations and sanctions even though it openly doubted their appropriateness or efficiency. It has made important contributions to maintaining stability in Korea and in settling the Cambodian civil war. It continues to expand economic and cultural relations with Taiwan and, until 1995, it was regularly expanding people to people ties to Taiwan and reducing military tensions in the strait. It is in the process of opening itself to foreign direct investment and to wide-spread consumption of U.S. consumer goods in ways that go well beyond the opportunities many other Asian countries allow. It has announced the reduction of tariffs by 34 percent and plans further reductions to the average of developing countries in the region.

It has modified its social and cultural control over its people, so that its authoritarian government, while still harsh, has moved far from the reign of terror of the cultural revolution days. While far from acceptable by our present standards, by every conceivable measure, China's treatment of its own people in 1996 is far better than at the time of President Nixon's opening in 1972 and President Carter's normalization in 1979. In the last 10 years, an enormous number of Chinese people have moved from poverty to a decent standard of living. I will have more to say on the subject of human rights in China in the weeks ahead.

Mr. President, China has pledged to cease nuclear testing, but not before the negotiation and entry into effect of a comprehensive test ban treaty. It has played a quiet but positive role in assisting our quest—a very important quest—for a nuclear-free Korean Peninsula. In the Middle East, the Chinese have now developed ties with the moderate states, including Israel.

This combination of welcome and troublesome developments requires a United States policy that is carefully managed. Unfortunately, the U.S. Government, the executive branch, as well as Congress, currently have not developed such a policy toward the most populous and the most rapidly developing country on Earth. To allow this vacuum to continue would be both irresponsible and dangerous.

As we begin to think about a China policy, perhaps we should begin, not just with our litany of concerns about China, but also with some understanding of their concerns about us. China has its own list of grievances about the United States. Although I believe that most of these complaints are due to misperceptions and misunderstandings, we must be aware that if China's leaders conclude rightly or wrongly that the United States looks upon them as adversaries, they will respond in kind. We have a right to demand that the Chinese keep their agreements—we must also keep ours.

America is seen by many in China as attempting to isolate, divide, encircle, and contain China. They cite, among others, the following list of grievances:

First, delay on China's application for membership in the World Trade Organization which they believe is a violation of our 1992 bilateral agreement on market access.

Second, refusing to grant China permanent, unconditional, most favored nation treatment.

Third, constant U.S. criticism on human rights.

Fourth, preventing China from hosting the 2000 Summer Olympics.

Fifth, 1992 sale of F–16's to Taiwan.

Sixth, visits to Taipei of U.S. Trade Representative Carla Hills in the Bush administration and Transportation Secretary Peña in the Clinton administration.

Seventh, visit of Taiwan's head of state to the United States, after being assured by top U.S. officials that the visit would not occur.

Beyond these frequently cited grievances, the leaders of China have several broader concerns about the United States. They are concerned that the United States wishes permanently to separate Taiwan from the mainland and perhaps to foster an independent Taiwan. They question whether the United States wishes them to be a full participant in the establishment of the post-cold-war order. They cite Washington's reluctance to see them as a member of the World Trade Organization or to invite them to join other groupings that formulate policy for the international community.

Perhaps most important, though these words are seldom spoken directly, with communism dead as an ideology and with no real democratic process conveying power and legitimacy, the Chinese leadership is vulnerable to nationalistic sentiment at home if they yield to what is seen as American pressure and demands. As a result, China is reluctant to undertake the responsibilities that the United States expects her to fulfill as an emerging great power.

We should not, however, underestimate American strength in Chinese eyes—economically, militarily, and ideologically. They understand and respect our military strength. They understand the importance of China's access to the American market. They admire our technology, and assuming a positive relationship, I believe the Chinese prefer buying from Americans over both Japanese and Europeans. I think we need to take that sentiment into account in our own trade posture and our own export posture.

Thoughtful Chinese know the United States is not seeking to contain China—I want to underscore that—but there are many in China who do not see it that way. We have welcomed over 40,000 Chinese students now enrolled in our universities. We are one of China's principal export markets. American businesses have invested $9.45 billion in China since 1978. We have welcomed Chinese participation in the World Bank, the International Monetary Fund, and regional multilateral organizations. With our Government's encouragement hundreds of American foundations, philanthropic organizations, and education and research institutes now have wide-ranging exchanges with counterpart Chinese institutions. This is the record of a partner, not an adversary, in world affairs.

China would like to build a stronger military-to-military relationship, and though it does not say so openly, it understands the stability that the United States military force presence brings to Northeast Asia. I believe that with some notable exceptions, including Taiwan, the Chinese military is more open to warmer United States-China ties than some other elements of the Chinese leadership and these inclinations have been strengthened by the visit and the leadership of Secretary of Defense Bill Perry. Thus, America has many strengths in dealing with China, yet there are serious limits on our ability fully to utilize these strengths. We need to also understand that.

First, China is embedded in Asia, politically and economically, and the United States cannot pursue a successful policy toward China in isolation from the rest of the region. Our allies in Asia would not be prepared or willing to follow America's lead if we decided to isolate China nor are they willing to employ economic sanctions. Our friends in Europe and Japan will be most delighted to fill any Chinese need which develops if the United States employs economic sanctions.

America is still viewed in China and in Asia as a land of wealth and opportunity. But, in China and elsewhere in Asia, among even United States friends, many believe and privately say, that we are a declining power economically and culturally. The attraction of American society has eroded not only in China, but elsewhere in Asia, primarily, in my view, as a result of our own social ills, which are publicized all over the world. In Asia, as elsewhere, perceptions matter.

The Chinese see much that is attractive in the Asian model of development pursued by Japan, Korea, Taiwan, and Singapore.

The United States had a relationship with China that expanded and prospered from 1972 to 1989. We worked together in areas of common interest, exchanged views, tried to harmonize our views whenever we could, sought common policies, and sought to narrow and contain differences. Since 1989, we have been deferring discussion of common interests and emphasizing differences. To continue down this path is a prescription for posturing, animosity, brinkmanship, and danger.

Mr. President, our Nation must develop a purposeful, coherent and consistent American policy toward China and a strategy to implement our policy. We must also explain in clear terms to both our own citizens and to the Chinese the underlying rationale for our policy and our actions.

In the absence of a clear policy, it is inevitable that we in the Congress will chase off in separate directions with different priorities, while the executive branch lurches from one transitory issue to the next, addressing each problem in an ad hoc fashion. In the absence of an overall policy framework, policy becomes fragmented, the captive of single issue constituencies.

Those in the executive branch bear the primary responsibility for enunciating our policy, but as we see from Taiwan's President Li's visit to the United States, the actions of Congress often influence U.S. policy, for better or worse. United States policy towards China must be developed in close consultation with the congressional leadership of both parties.

In the immediate future, we should begin a dialog between China and the United States at all levels, including the highest levels—to discuss and where appropriate to act in unison in addressing these areas. Both the United States and China must get away from the current practice of diatribe and criticism. This dialog should not be portrayed as resolving our differences but rather beginning to find common ground and to reserving our different views for those issues that cannot be immediately resolved. Similarly, established channels for dialogue between Washington and Taipei must be utilized and strengthened so that there is a clear understanding of our respective views.

And may I remind my colleagues that 7 years have passed since an American President or Vice President has journeyed to Beijing or the President or Premier of China has been in Washington. During that time, the leaders of China have been to every major capital in the world, and the leaders of other major countries have visited Beijing on many occasions. Misunderstandings and misperceptions are bound to flourish in the absence of dialog. Meetings do not guarantee agreement. But they reduce the chance of conflict through miscalculation.

It would be irresponsible and dangerous for the United States and China to continue on our present course. It is time to end the period of estrangement between the United States and China. President Clinton's meeting in New York with President Jiang Zemin was a beginning down that road, and I hope we can greatly intensify those visits to the top level and, indeed, the working level.

This dialog can inspire mutual confidence and understanding, but only if we display an unambiguous willingness to be firm when China's leaders do not meet their responsibilities and commitments, as well as a meticulous management of our China policy to ensure that we adhere to our commitments.

Mr. President, I do not pretend today to offer a comprehensive China policy, but I do offer a few observations and suggestions.

First, the Clinton administration should develop a broader policy framework regarding United States-China relations and stability in Northeast Asia and a strategy to advance that policy.

Regarding this framework, I believe some of its components—and I am not pretending to name them all this morning—are clearly visible: a continued and robust American military presence in Asia is fundamental to the stability of Northeast Asia and peace in the region; and we should approach China in close coordination with Japan, Korea, and our Asian partners. We cannot pursue a successful China policy unless that policy is supported in the region. We must make clear that the cooperation we seek from our traditional allies and friends is not for the purpose of confronting or containing China, but for involving China more extensively and constructively in regional affairs. We should strengthen the linkages between China, the United States, and the rest of Asia so that China becomes firmly integrated with the United States in the emerging Pacific community. We must reverse a widespread perception that America's role in the region is in decline.

Second, we should make it clear that we are prepared to facilitate China's participation in the international economy and international security arrangements in the expectation that China will abide by the norms of those international regimes. The incorporation of China in the world community will entail some mutual adjustments, but China cannot expect to derive the benefits without bearing the burdens of its newly acquired status. China's admission to the various international institutions will be facilitated and accelerated if they are able to demonstrate a solid record of compliance with their international commitments, including trade agreements, the Nuclear Nonproliferation Treaty and the guidelines of the Missile Technology Control Regime, which they were not part of formulating, but they have agreed to the basic principles of it. In the nonproliferation arena, China should be involved in formulating the policies we expect them to abide by. Our strategy should be to welcome and incorporate China in the world community at a relatively early stage in its rise, with the explicit Chinese commitment to abide by international standards and to develop the domestic institutional capacity to do so.

This approach should serve not only America and international interests, but China's interests. Our strategy should be intended to elicit Chinese cooperation rather than to compel Chinese behavior.

Third, a framework with China must be based upon mutual dignity and mutual respect. We must seek to identify our important mutual interests and make progress in these areas while striving to ensure that our points of disagreement do not dominate every agenda. If we proceed in this fashion, the areas of disagreement are likely to be put into a broader perspective where progress can be made toward resolution over time. In spite of our recent disagreements, there are clearly crucial areas of strong mutual interests between the United States and China, including avoiding an arms race in Northeast Asia; avoiding confrontation on the Korean Peninsula and preventing a nuclear weapons buildup by either North or South Korea.

Also, avoiding the introduction of nuclear weapons in the Persian Gulf area; avoiding the proliferation of weapons of mass destruction and their means of delivery; easing tensions in South Asia between India and Pakistan; maintaining stability in Northeast Asia and the general area of the Pacific; maintaining stability in Southeast Asia, including the emergence of a peaceful Vietnam and ending and healing the conflict in Cambodia.

Also, enhancing the efforts of the U.N. Security Council to maintain international peace and security; keeping sea lanes open for commerce; addressing transnational problems, such as illegal narcotics and terrorism; protecting the environment, including the seas; enhancing the rule of law in China; and, finally, maintaining the prosperity of Hong Kong and Taiwan. This is clearly in the interests of China, as well as the United States.

Our two nations will not always agree on how to address these interests, but we have enough mutuality to find significant areas of common approach and cooperation. Without this framework for the discussion of mutual interests, little progress is likely to be made on the issues where we differ. With this framework, I believe that progress can be made even in difficult areas of disagreement.

Finally, Congress should pass no laws or concurrent resolutions on China or Taiwan at least until after the elections in Taiwan which take place on March 23—in just a few weeks. I believe that Members of Congress should speak their views on these issues frankly and candidly, but in the present tense atmosphere congressional legislation or resolutions are likely to create more

heat than light. I also hope that our China policy will not become a partisan political issue during the United States Presidential election campaign. Each time that has happened in past Presidential campaigns, our China policy has been the victim rather than the beneficiary of that kind of partisanship.

Mr. President, we have a number of important differences and misunderstandings with China which must be discussed firmly and frankly within our overall strategic framework. These issues include arms proliferation, trade disputes, and human rights concerns, which I will discuss in the coming weeks.

The most dangerous of these differences is the issue of Taiwan.

The Chinese leaders by their words and by their actions make it abundantly clear that any attempt by Taiwan to establish its independence from the mainland will result in a confrontation with the mainland. It is clear that the Chinese do not desire a military clash, but it is also clear that they believe that their national sovereignty and national pride are at stake on the question of Taiwan's future. Neither America nor Taiwan should take lightly this Chinese position. Beijing has drawn a firm line on this question.

It is essential that America also should make our policy and our intentions clear. The framework for American policy on Taiwan already exists in the three joint communiques under President Nixon in 1972, President Carter in 1979, and President Reagan in 1982 and the Taiwan Relations Act of 1979. The joint communiques establish that the Government of the People's Republic of China is the sole legal government of China, that there is but one China, that the United States acknowledges China's claim that Taiwan is part of China, and that the resolution of the Taiwan issue is a matter to be worked out peacefully by the two sides themselves. This is America's solemn agreement with China entered into by Presidents Nixon, Carter, and Reagan and followed as United States policy by Presidents Ford, Bush, and Clinton.

President Reagan stated our policy very clearly in his letters of April 5, 1982, to Vice Chairman Deng Xiaoping and Premier Zhao Ziyang. In his letter to Vice Chairman Deng Xiaoping, President Reagan stated ''There is only one China. We will not permit the unofficial relations between the American people and the people of Taiwan to weaken our commitment to this principle.'' In his letter to Premier Zhao Ziyang, President Reagan stated, ''The differences between us are rooted in the long-standing friendship between the American people and the Chinese people who live on Taiwan. We will welcome and support any peaceful resolution to the Taiwan question.''

The Chinese should understand that the Taiwan Relations Act is the law of our land. This act, passed in 1979, underscores that America's relations with the People's Republic of China rest upon the expectation that the future of Taiwan will be determined by peaceful means; that we would consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to peace and security of the Western Pacific and of grave concern to the United States. This act also declared it to be our policy to provide Taiwan with arms of a defensive character; and to maintain the capability of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people of Taiwan.

This framework of the three communiques and the Taiwan Relations Act has served both sides of the Taiwan Strait as well as the United States and the Pacific region well for almost 17 years. For example, it made possible the relaxation of tensions in the strait which allowed trade and interaction of the two sides to take place.

It encouraged Taiwan to abolish martial law and become a prosperous democracy.

It made available to the Chinese on the mainland the talents and capital of the people on Taiwan.

It played a major role in the success of China's drive for modernization.

It produced a sense of security that allowed the emergence of critical conditions in which both Taiwan and the mainland could prosper.

Americans have applauded the building of economic and people-to-people ties across the strait. These ties have not just been between individuals and families but also between businesses and academic institutions. We have applauded the efforts of both sides to build on those ties toward an expanded relationship. Such an expanded relationship advances the realization of longstanding American hopes for the peaceful settlement of the dispute between the people on both sides of the Taiwan Strait.

A military confrontation between China and Taiwan would harm both China and Taiwan. It would have long-term consequences for Northeast Asia and the Pacific and would likely set off a serious arms race in Asia as Charles Freeman pointed out in his op-ed piece in the New York Times last week, a war in the Taiwan Strait ''would not only threaten Taiwan's democracy but also finish any hopes of America's building a constructive relationship with China.'' And, in commenting upon a United States decision to either intervene or not do anything in the case of a war, he stated that ''the results in either case would probably be Japanese rearmament, military rivalry between Tokyo and Beijing, a loss of confidence between Tokyo and Washington and alarm throughout Asia.'' And as Michel Oksenberg points out, while war is not the primary danger at this point, a protracted military confrontation could produce many of these same results. It would also disrupt the economies of China and Taiwan and would result in a tragic loss of life and property. Surely we all wish to avoid a repeat of Quemoy-Matsu tension, which lasted for a long time, to the detriment of the people on both the mainland and Taiwan.

Americans feel very close to the people of Taiwan. We are very proud of their accomplishments. The people of Taiwan have made enormous strides economically as well as politically. There are an example to much of the developing world.

It is important for the United States, as a friend, to be clear with the Taiwanese that they must not misjudge China on the question of Taiwan independence.

It is important that the people of Taiwan understand that a unilateral declaration of Taiwan's independence would be inconsistent with United States foreign policy as set forth and followed by President Nixon, President Ford, President Carter, President Reagan, President Bush, and President Clinton.

It is also important for the Chinese to understand that the United States values its friendship and its relationship with the people on Taiwan. It is crucial that the Chinese understand that if China uses force to resolve the Taiwan issue, the United States will not stand idly by but will surely respond.

For our part, the United States should make it very clear that we will oppose either side's attempt to change the status quo either by the use of force by Beijing or by unilateral declaration of independence by Taiwan. The United States position should be clear that we are prepared to live with any outcome negotiated in good faith between China and Taiwan. The future of Taiwan must be settled by mutual agreement between the parties, not by the unilateral actions of either. For that to happen, Taipei must stop its political provocations and Beijing must stop its military provocations.

The people of China and the people of Taiwan should resume a high-level dialog to foster clear understandings and increased cooperation. Enormous progress has been made in economic cooperation and people-to-people contacts as well as visits on both sides of the strait. While economic development and people-to-people cooperation are emphasized, political questions are complicated and emotional and their resolution will require a long-term effort. This will involve a trait for which the Chinese people are famous—patience.

I thank the Chair, and I thank my colleagues.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER (MR. DEWINE). The Senator from Louisiana.

Mr. BREAUX. Let me inquire of the Chair of the time situation. I know time is allotted to both sides. How much is remaining on this side?

The PRESIDING OFFICER. The Chair advises the Senator from Louisiana that the minority has 19 minutes 54 seconds remaining.

Mr. BREAUX. I thank the Chair.

AMTRAK REAUTHORIZATION

Mr. BREAUX. Mr. President, I take this time to comment on legislation that has been reported out of the Senate Commerce Committee reauthorizing the Amtrak rail system in this country and also instituting not just a reauthorization but as well an effort to try to bring about major reforms to the Amtrak passenger rail system in this country.

Let me say that the committee worked long and hard. The distinguished Presiding Officer is a member of the Senate Commerce Committee that worked on that legislation. It is apparent that I have expressed some public concerns about bringing this piece of legislation to the floor of the Senate under a unanimous consent arrangement to be handled in the Senate without the possibility of any amendments—indeed, without any discussion, just bring it up under a unanimous-consent procedure and then pass it and send it on to the other body, over to the House side. I have objected to that procedure because I think this, indeed, is a subject that needs to be discussed and debated in this Chamber.

Let me start by first saying that I very strongly support the concept of and the need for Amtrak reauthorization. The passenger rail system provides incredible economic assistance and transportation to industries and individuals in this country. Indeed, our entire rail system in this country is second to no other country. We can be proud of what Amtrak has brought in terms of passenger service to this country, as well as the freight and private carriers, and the good economic possibilities that they make happen every day by having this national transportation system of railroads in our country. All our industries and our businesses and our individual lives are touched every day by having such a fine rail system. I think by and large the various private companies do an outstanding job in maintaining their level of providing these services as well as doing their best to provide quality services in a safe manner so that everybody who uses the rail system can be assured of their safety.

The concern that I have—a concern we need to have this Senate body debate and discuss—is making sure that we do not do anything in this legislation to lessen the requirements of these private companies and, indeed, our public Amtrak system in the standards of safety that they must provide to the American public.

We all have witnessed this month a set of accidents around this country that I think are very disturbing, to say the least. Look at the headlines that have appeared in newspapers just in the month of February. February 2, 1996: ''Two Killed, 20 Hurt in California Train Derailment.'' On February 10, this year: ''Three Die in New Jersey Transit Commuter Train Wreck.'' February 16, again, this month, the third such incident: ''Brake Failure Causes Yet Another Train Wreck—9 Workers Injured, FBI Called In To Probe.'' And, of course, one that we are very familiar with in this area, on February 17: ''MARC-Amtrak Trains Collide Killing 12.'' And then the fifth such accident, on February 22: ''Colorado Train Derails, 2 Killed, Acid Spills.''

Mr. President, I say to all of our colleague who may be listening and to the American public that these five major train accidents that occurred in a 1-month period are disturbing to me, disturbing to my colleagues and, I think, indeed disturbing to the American public. They want to know that the trains they ride on, the trains that carry the goods and services of this Nation are safe, they can be counted on and that they are dependable.

Again, I will point out that I have a great deal of respect for all of these private companies. They are attempting to do a good job. The concern I have right now and the reason I objected to bringing the Amtrak reauthorization legislation to this body without the ability of any discussion, under a unanimous consent agreement that prevents any ability to offer amendments to that legislation, is because I think there is a real possibility that some would like to further restrict individuals' rights to be compensated when rail accidents occur. When you have five in 1 month, Mr. President, I think we need to look at how these railroads are operating, how we can help them do a better job, and, yes, at the same time make sure that people who are injured by accidents where negligence was the cause of that accident are adequately compensated, and, yes, even to the point of providing punitive damages when gross negligence occurs and is the proven cause of that particular accident.

Now, the reason I bring up these concerns to the Senate today is because of the provisions that are in the bill that has already passed the House of Representatives and what they attempt to do to the American public in the area of safety and the ability to be compensated. Two things leap out that I am very concerned about, and some of these features are in the Senate bill.

First, there is a cap on punitive damages in the House-passed bill. In other words, if a railroad is found to be grossly negligent, almost to the point of saying: ''We don't care what happens. If you get hit, we will pay the damages; we don't care.'' And I am not saying anybody fits in that category. It is very rare that punitive damages are awarded. But when they are awarded, it is to say to the defendant who has been grossly negligent, ''We are going to penalize you so you don't do it again. Do not think it is easier to pay the damages than to fix the problem.''

The House bill puts a cap on the punitive damages that can be awarded instead of letting a jury or a judge determine, after seeing the facts, what it should be. The Senate bill has a similar provision that puts a cap on punitive damages as well; in other words, restricting how much someone can be penalized by a judge and a jury for causing an accident where gross negligence has been proven beyond a doubt.

That I think is simply wrong. We should not be moving in that direction. We should allow punitive damages to be assessed on those rare occasions when they need to be, as a form of saying to a corporation or an individual, ''Do not do that again. If you do, you are going to be severely penalized.'' That is an incentive to do a better job. That is an incentive to make things safer. That is an incentive to do more inspections and to make sure things work the way the American public has come to depend on their working.

The second thing I am concerned about is that there is a cap in the House-passed bill on the Amtrak reauthorization on limiting how much a person can recover for pain and suffering in an injury from a rail accident. How do we in Congress, sitting in Washington, DC, where we have not been out to interview a family or not heard testimony of those who have lost a member of their family or been disfigured or lost the ability to have any income in the future because of the injuries, how do we in Washington pick a number and say this is the maximum amount they can receive for pain and suffering as a result of the negligence of someone that has injured them?

How can we in Washington, who have never seen the injured people, never heard their testimony in a trial, never viewed that testimony firsthand, pick a number and say this is a fair number in every case that ever happens in America? How many of us in this body or the other body have interviewed any of the people injured in five train wrecks all over the country just this month?

How can we say that *x* amount of money is a cap that can never be exceeded? That is not a function of the U.S. Senate. Those numbers and those amounts for pain and suffering, when someone is severely injured, can best be decided, I think, by juries and by courts and by judges who, in a public forum, have listened to the witnesses, seen their injuries, heard expert testimony about how bad they are injured. Maybe for the rest of their lives they are going to suffer those same injuries. Let them decide what is an adequate amount for compensation.

The third concern that I have, which is probably the biggest concern, is something that I just do not understand and, quite frankly, I think was a terrible mistake on the part of the other body when they passed this legislation. It is called indemnification. I will just read it and then I will attempt to try to explain it, because we write